



Zoning Enforcement Officer

TOWN OF ACTON
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INTERDEPARTMENTAL COMMUNICATION

To: Steve Ledoux, Town Manager
Board of Selectmen

Date: June 3, 2013

From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner

Subject: Use Special Permit Application #05/06/13-443 (Green)
531 Main Street, Unit E, Gossels Werner F ET UX Trustee, Laine Realty Trust, 17
Bennett Road, Wayland, MA 01778

Location:	531 Main Street, Unit E, Acton, MA
Applicant:	Peter Pippas Karate Center, 452 Great Road, Acton, MA 01720
Owner:	Gossels Werner F ET UX Trustee, Laine Realty Trust, 17 Bennett Road, Wayland, MA 01778
Previous Site Plans:	#11/22/85-0270: Construct 15,200 ft ² 2-Story Addition to Existing 30,000 ft ² 2-Story Industrial Building
Previous BOA	#80-49: Special Permit for work in a Flood Plain
Hearings:	#86-09: Application which was withdrawn by petitioner
Zoning:	Light Industrial 1 (LI-1) Groundwater Protection District Zones 3 & 4
Proposed Uses:	Commercial Recreation – Prospective Martial Arts Studio
Map/Parcel:	E-4/67
Hearing Date:	June 10, 2013
Decision Due:	September 8, 2013

NOTE: This hearing was not properly noticed to the complete certified abutter's list. The abutting towns were omitted from the original certified mailings sent out. It is recommended that the public hearing still be opened on June 10, 2013 as scheduled, and immediately continued without discussion until the next scheduled Board of Selectmen's meeting.

Attached are the legal ad, application, plan sheets, and departmental comments. As of this date, comments have been received from the Town of Acton's Engineering Department. Upon review of the submitted documents and comments received to date, as well as a general overall knowledge of the site, it does not appear that any of the disciplines have significant issues or questions pertaining to the issuance of this Use Special Permit. Should the Use Special Permit be issued and the Applicant move forward, alterations and modifications to the existing space will presumably require building, electrical and plumbing permits which will be reviewed for full compliance with specific Building and Fire Code issues and concerns.

The applicant, Peter Pippas Karate Center, is looking to relocate from its existing location at 452 Great Road in Acton. The Applicant has outgrown its existing space and in order to continue to grow and expand the business, a larger space is necessary. The proposed use is a karate/martial arts studio.

Under the Town of Acton's Zoning Bylaw, Section 3.5.15, the proposed karate/martial arts use is classified as Commercial Recreation. Commercial Recreation uses consisting of 2,000 square feet or more of Net Floor Area require a special use permit from the Board of Selectmen (Table of Principle Uses – Section 3.5.15 and the associated footnote 10). Presumably, the proposed use will be in excess of the 2,000 square foot size threshold, however, the currently submitted application does not indicate the exact size of the proposed martial arts studio. The proposed site of this Commercial Recreation use is an appropriate location for this type of business and should raise few or no Planning Department concerns.

The existing building was constructed in 1956 and is approximately 81,038 square feet in gross floor area. The building was originally constructed as an Industrial Building with the purpose of providing space to scientific, research and technology based uses which are no longer the main use or tenants of the building. The building has subsequently been divided into multiple separate and individual commercial spaces which are now leased to multiple entirely different entities. Therefore, the prospective karate/martial arts studio is proposing to lease a portion of the building and convert that space into its permanent studio space. It is unclear at this time, if the applicant is proposing any modifications or alterations to the structure or existing floor plan layout which would result in any modification to the overall Floor Area Ratio (FAR) of the property. The property currently has a large amount of parking spaces, the majority of which are located at the rear of the building and in close proximity to the location of entrances into the building. Without undertaking an exhaustive parking analysis which seems to be unnecessary at this point, this component has been reviewed and based upon the requirements of Section 6.3, the existing parking lot would seem to comply with the minimum Zoning Bylaw parking requirements.

The current application does not indicate the proposed hours of operation. It is presumable that the hours of operation of such a use would not seem to drastically overlap with the "regular/typical" work day hours when the majority of the people working in the building would be present and the demand for parking would be at its greatest. The majority of the hours of operation of the proposed use would presumably be during the early to mid evening hours when the rest of the building will most likely be vacant or occupancy would presumably be minimal.

In very generalistic terms, the Planning & Zoning Department does not object to the proposed Use Special Permit.